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ABSTRACT

Interviews with persons responsible for interpreting and transmitting labor relations policy to negotiators at the local school district level in New York revealed considerable consistency in the ways the relevant laws, regulations, and legal opinions were assessed and used. Policy interpreters turned first to documents and then to consultants when faced with matters difficult to resolve. The techniques adopted for analyzing and disseminating policy information were found to be fairly uniform. The policy interpreters had a dual view of policy, regarding it both as a set of universalistic principles embodied in statute and decision, and as a set of devices to be used for tactical purposes as dictated by local circumstances. The authors of this report indicate that it is commonly understood that state interests in labor relations policies are to be subordinated to the needs of local situations. The authors suggest that this common understanding makes labor policies more effective at the local level than almost all other policies, which tend to be characterized by an insistence on the dominance of the state's interests over local interests. (Author/PGD)

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LABOR POLICY INTERPRETATION AND IMPLEMENTATION FOR PUBLIC SCHOOL COLLECTIVE BARGAINING IN NEW YORK

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INTRODUCTION

Public schools are a focal point of state and federal policies for education and a multitude of other governmental issues (race and sex discrimination, drug abuse, energy conservation, etc.). Labor relations in these schools is conducted in its own policy context as well as in the general mix of other state and federal laws, regulations, and decisions. Understanding how policies impact on and interact with the conduct of local schools is a central problem both for educators and policy researchers. As such, labor relations offers an opportunity to examine policy impact and interaction on a distinctive set of activities in schools which are themselves of considerable importance to the operation and control of education. This study was designed to examine that process of policy impact on labor relations in schools as a significant subject in its own right and as an opportunity to draw comparison and contrast with other policy areas.

Policy research in education and elsewhere has demonstrated that there is a general divergence between the formal aims and mechanisms of policies as they are promulgated at a state or federal level and the way they are implemented at the local level. Lack of compliance with or full implementation has been a central theme in many examinations of the local reaction process (Pressman & Wildavsky, 1973; McLaughlin, 1978; Weatherly & Lipsky, 1977; Bardach, 1970). Two themes are evident in these and related studies; one is that essentially policy doesn't work, that it is so distorted or diluted by local non-compliance that no positive impacts can be found. The other is that policy has substantial impacts, many of them negative or counterproductive to the expressed aims of the policy itself (e.g., Attewell & Gerstein, 1979).

The policy research in labor relations has been less extensive and also less negative in tone or findings. Studies of impasse resolution policies have shown small but positive effects in terms of improved dispute resolution

(Anderson & Kochan, 1977; Gallagher & Pegnetter, 1979; Kochan & Baderschneider, 1978). Strike provisions in statute have been shown to have somewhat small but intended effects on the incidence of work stoppages (Colton, 1978), and on other aspects of the local agreement (McDonnell & Pascal, 1978; Gerhart, 1976; Gray & Dyson, 1976). But in spite of this considerable attention to the assessment of labor policy impacts, little attention has been devoted to the process of impact and the ways in which local conditions condition or distort effects. One major exception is the work of Graber & Colton (1980) on the way local courts condition the use of strike prohibitions and penalties.

The generally small magnitude of policy impacts found in both areas of research is not difficult to account for. The problems of studying policy impact are numerous and well documented. The list developed by Greenberg et. al. (1979) covers the main points: (see also Kochan, 1976).

1. difficulties in measurement & quantification,
2. long time span of impact process,
3. difficulty in establishing decisive mechanisms & decisions,
4. uncertain value of predictors until research is completed,
5. complex mix of outcomes,
6. multiplicity of goals and participants.

Due to this imposing array of difficulties, we chose to focus on a narrow and specific element of the labor policy area, and a narrow aspect of the possible mechanisms of impact. So rather than assess impacts through the entire policy implementation process we chose to examine only the role of actors who interpret policy for local bargaining and advise local bargainers in the conduct of labor relations.

Focusing on the ways in which policy for labor relations was transmitted and interpreted to local bargainers also proves an opportunity to explore an area of potential contrast between labor and other policies. The educational (and

other) policies which have been the subject of virtually all of the impact research are consistent style: they place the achievement of a federal of state purpose over the objectives and interests of local schools (or governments). A policy mechanism is created which is, in Etzioni's terms normative, remunerative, and coercive (Attewell & Gerstein's, 1979). Bureaucratic controls, regulations, and procedures are developed and imposed on local governments. Resources and other coercive mechanisms are tied to compliance. Labor policies in the private sector and most of the public sector legislation differ in at least one basic feature: they are constructed to achieve a balance between state objectives and local concerns. One objective is not placed in a strictly dominant position, but rather state policy objectives are designed to accommodate to the needs of local bargaining in many ways. Labor policies in New York and most other have a very small degree of remunerative or coercive power. There are few and small monitoring or control mechanisms. These basic contrasts in structure are evident in existing labor policies and emerged in this study as well.

The task of interpreting and transmitting policy information engages the cognitive processes, attitudes, and biases of the person involved. It is from their point of view that policy information is selected, processed, and passed along to local clients. Our description of the process rests, therefore, on understanding their point of view rather than testing an a priori model of policy transmission. Such an objective places the study in the style of emic anthropology or ethnography. For this purpose,

> "The units of conceptualization in anthropological theories should be 'discovered' by analyzing the cognitive processes of the people studied, rather than 'imposed' from cross-cultural classifications of behavior. (Pelto & Pelto, 1970; p. 54)."

For this initial stage of the research we employed ethnographic interviews of subjects who engaged in these activities.

The interviews revealed a considerable amount of consistency among the subjects in the way they interpret and transmit policy. They use both documents and persons as sources, in a regular sequence. Networks of colleagues are used for various forms of consultation. Consistent norms for these consultations are common and a fairly uniform approach to analyzing and disseminating policy information was found.

In addition, the policy interpreters do have a distinctive point of view about the nature of labor policies and how they are and should be used. We found a dual view of policy was dominant; it exists as both a set of universalistic principles embodied in statute and decision, and also as a set of devices to be used for tactical purposes as dictated by local circumstances. We found also that there was a clear ideological distinction drawn between the two views. The former was considered unhealthy and dysfunctional if it dominated behavior; instead policy was to be kept subordinate to local considerations. The implications of these findings for the development of labor and other policies are discussed.

METHODS

This report draws on the results of three studies in progress. The main body of data comes from intensive interviews with six subjects whose primary job responsibility involves policy interpretation and negotiations in public education in the Albany, N.Y. area. These interviews were the first phase of a larger study of policy interpretation and impact. Some additional information was drawn from a series of 40 interviews with local public school negotiators across New York. These interviews dealt with the mechanism of policy impact from the point of view of school district participants. A third is the pilot phase of a participant observation study of impasse procedures and behaviors. The basic methodological assumptions and style for all three are the same.

Two main criteria were used to pick the subjects for interviews: (1) a professional involvement in school district labor relations which required the person to routinely make interpretations of policy for participants in local bargaining, and (2) a professional position which provided variety vis. the other subjects so as to give multiple perspectives on the same activity. In addition, we avoided state employees since they are constrained by overall policy pronouncements of their agency in how they interpret or may report on their interpretation of policy. (These persons will be included in a later phase of this work.) Using these criteria we began with six subjects; five representing management and one teacher association representative. Five are active in negotiations in school districts, the sixth is engaged in policy interpretation and legal advice only. Two were trained in law, the others in labor relations.

The interviews were conducted as ethnographic inquiries, designed to discover the subject's point of view and description of the phenomenon of interest (Spradley, 1979). The basic question format was a grand tour type focused on two considerations: how the subject finds out about policy and how

he or she interprets the information. The interviews began with a single grand tour question on policy interpretation for mandatory/nonmandatory subjects of bargaining and proceeded in an open-ended manner through the procedures used and other topics of policy interpretation as presented by the subject. Specific probes and definitional questions were used to clarify particular areas. We sought details about documents used, persons consulted and other methods used to interpret policy. We were particularly interested in the manner of consultation and use of networks and employed a series of probes in that area.

Tape recordings of the interviews were made and transcripts prepared for analysis. The analysis consisted of three major activities. The first was categorizing and describing the sequence of activities involved in policy interpretation and consultation. Categories were developed from the data and used to structure the data (Schatzman & Strauss, 1973). The second activity was reviewing the sequences of activities and decision processes reported across subjects for consistencies. The consistencies deciphered were the basis for describing the role of policy interpreter for labor relations.

The third element of the analysis for this report was reviewing the report of interpretive activities to discover the basis for judgement making. This corresponds to the search for semantic relationships and contrast sets (Spradley, 1979), and the description of decision rules or contingency tables (Werner & Fenton, 1970). Of particular interest were taxoromies or contrasts in language which indicated categories of policy-related actions or judgement criteria.

FINDINGS

The basic purpose of this study was to examine the ways in which state policy for the conduct of collective bargaining in school districts acquires meaning and operational substance at the local level. Early in the exploration it became obvious that the details of the findings were strongly tied to one basic distinction between labor relations policies and virtually all the other elements of policy for public education. The distinction is that local initiative and a decision to engage the state policy structure is of central importance to the operation and substance of the policy. The implications of that distinction are discussed below. Here it serves as an introduction to the review of findings.

The Taylor Law for New York, in common with most other public sector labor relations statutes, provides for implementation and enforcement primarily through locally determined initiatives. This is obvious in the structure of the statute itself, its legislative history, the administrative structure of the agency responsible for implementation, and the pattern of decisions made under the law. In both ideology and procedure, the Taylor Law exists primarily to regulate and influence local bargaining adjudicatively. That is, policy is applied not by rulemaking and direct administrative control, but by settling specific disputes within a framework of general principles. This is in considerable contrast with the bulk of educational policies which work bureaucratically, by imposing rules and monitoring procedures in a universalistic manner. There is such common recognition and acceptance of the adjudicative principle in labor relations that, as a principle, it is seldom articulated. It is an assumption underlying the description of policy-related behavior reported by the subjects of these interviews.

The significance of this principle is that interactions of local bargaining with the labor relations policy structure determine the meaning and impact of the policy. Those interactions require a decision at the local level. That decision, whether or not to invoke policy in bargaining, is itself part of a complex social process engaged in by a number of actors both in and removed from the local bargaining setting. Thus the operational meaning of labor policy for school bargaining is found in the social process and understandings of the local participants as much or more than in any particular body of law or principle enunciated at the state level.

The subjects interviewed are central actors in those interactions. They described their role as interpreter of policy for clients, and in the case of five of the six, as advocates and negotiators as well (either for local school boards or teacher associations). In the discussion below we will refer to them as interpreters (all six) or interpreter/advocates (five).

A central part of their role is to use their training, experience, and knowledge of policy to make judgements about how to use it in the bargaining process and how to advise clients based on these judgements. The main findings reported here, therefore, deal with how these actors inform themselves about policy and make judgements in advocacy and negotiations for clients. We found that process involves work with documents and reports, consultations with networks of colleagues, and making decisions.

Use of Policy Documents

The respondents use information in policy-related documents primarily to assess the probabilities of winning if some issue is raised in the external policy environment. Scanning and review of documents from a variety of sources are routinely used to keep abreast of developments and possible new trends in

labor policies. Rulings of the National Labor Relations Board (NLRB) were cited as particularly important since private sector rulings are signals of developments in the public. This scanning is generally without particular focus or issue in mind. As one described it, documents are, "used daily as they come in." Material is reviewed, indexed, circulated, cross-referenced, and often filed by topic or type of decision (court, PERB, etc.). Both primary sources (actual texts of decisions and policies) and secondary (summary or aggregate) sources are used. Information acquired in this way becomes part of the reference file available to the interpreters and maintains their awareness of the current state of policy.

Documents are used quite differently when a specific policy question arises. Then, the primary source document is necessary. For example, one respondent pointed out that: "It is not wise to rely on the PERB synopsis of mandatory and nonmandatory items, but it's a good way into the cases." Secondary sources do not provide either the amount of detail or authoritativeness of the primary ones.

In the use of these primary materials there was significant similarity among the interpreters. The same sources were mentioned in almost every interview. A basic text or two were also mentioned occasionally. One respondent cited a reference source he had written. But on the whole these general reference works were not given great emphasis.

Authoritativeness is apparently of substantial importance. All of the respondents mentioned the same basic official printings of PERB decisions, court rulings, and annotated statute books. Ability to read and make accurate interpretations of these materials is obviously central to the task of the policy interpreter/advocate.

The necessity of having these materials readily accessible was stressed continually. Some typical comments were: "When I hear of a new source I either purchase it or run off a copy," or, "I have a big need to get it available in my office rather than having to trust someone else to interpret it." Along with reliable information, the need for quick and easy access was also frequently mentioned. As a consequence, the respondents all maintained an extensive in-house library of the basic reference materials. The one subject who was new to the field spent over $2500 in the first year of the job to set up a new reference library for himself.

Documents are secured from their original sources rather than shared among professional acquaintances, except for a small group of close colleagues. The same colleagues often shared in discussing interpretations as well (discussed below). On occasion the interpreters would also seek help with a particular decision from PERB staff, particularly hearing officers.

Before any consultation, however, the interpreters typically engaged in independent analysis of the existing policy decisions. The analytical paradigm was described by one respondent as: "Read analogous cases. Use those cases to try and restructure your case." In other words, find cases which deal with the same issue and legal principle and test the facts and circumstances of your case against the decisions reached. In every case, the similarity among sets of facts, or what the respondents called "the fact pattern", was central to the analysis. If the fact pattern appears to fit, or can be made to appear to fit with that, prospects of winning are better. Arranging the fact pattern to fit is part of the analysis and was stated a number of different ways:

> "You have to have your own fact pattern and be able to compare with those of PERB and the court decisions."
>
> "You stretch the facts to fit."

Determining the goodness of fit by these means is the interpreter's job. If the fit is comfortable, the job is done. If it is not, consultation, described below, is the next step.

For policy interpretation purposes, a clear distinction is drawn between documents which provide a basis for predicting success in an external decision and those which are not. PERB decisions, court decisions, and arbitration awards are useful for prediction; factfinding reports apparently are not. These reports are considered too dependent on local conditions to be useful for external reference.

Working with documents is not, however, the primary step in the decision process, only the first. The facts are malleable. The first question is how to make proper use of those facts in order to insure the best chance of winning. But winning in the external policy system is not always the best way to an agreement. It is the interpreter/advocate's job to find the best tactics for reaching agreement, not winning the most PERB cases. The document research is the starting point in the process. Interaction with co-workers becomes the next step.

Social Interactions

Once the documents have been examined to assess the relation of the specific issues at hand to existing decisions, the interpreter makes the first of several choices in a sequence. That is, they decide whether the matter is in what was usually referred to as a "grey area" or "on the fringes." An issue is in a zone of ambiguity if the interpreter cannot assess the probability of winning with much certainty. As one respondent put it:

> "You always have those grey areas. And I think that after working here as long as I have, you sort of know when you're on the fringes."

We did not find that the interpreters used a clear or consistent probability criterion in making this assessment. Rather, it was more a process of reaching a level of subjective comfort with the prediction.

When this could not be achieved by review of the documents alone, the subjects resorted to consultation. We found four distinct types were used by each of the interpreters. Each had a close group of associates with whom he or she would consult on a routine basis. These were all persons who had both a personal and organizational relationship with the subject. We will refer to these as "in house" consultations. For four of the interpreters these were literally in the same office space. For the others, the "in house" colleagues held similar positions in similar organizations and were personally known to one another.

The central distinguishing characteristic of the "in house" colleagues was common interest. They were all persons who shared the same general objective. The union representative conferred with others in the same organization with similar experience and job requirements. The management consultant conferred with others in the same firm, etc. Commonality of interest establishes a basis of trust that sensitive information will be held in confidence and that advice will be useful and properly motivated. Unstated assumptions of full confidentiality were the norm for these consultations. In fact, the respondents expressed mild surprise that we would even ask about confidentiality in this context.

These consultations with "in house" colleagues were also considered a routine part of the analysis process, occuring at least weekly. They were accepted and reciprocal. Respondents expressed detailed information about the professional knowledge of each of the persons they listed in this close group,

so that a certain amount of selection was used to take advantage of areas of special expertise. However, the amount of specialization of this sort did vary from one group to another. The highest level was described by the interpreter who used an "in house" group which was scattered over a large region. Perhaps the special effort needed to contact one of these colleagues lead to greater concern for specialization than if the persons were all literally across the hall.

There were few if any constraints described for these consultations. They were considered acceptable at virtually any point in the development of the decision, and were not contingent on other business between the participants.

In general, the consultations with the "in house" colleagues appeared to be the most frequent and most important of the interactions. Other interactions were described as information seeking. The "in house" activities were generally described as shared decisionmaking. It should be clearly noted, however, that the individual interpreters reserved the ultimate judgement to themselves. They clearly saw themselves as the person with the primary responsibility and knowledge for specific policy interpretations.

Other consultations involved information seeking from three different sources: (1) institutional, (2) neutral, and (3) adversaries. These consultations were generally less frequent, more specialized, based on fewer presumptions of confidentiality and mutual interest, and subject to greater constraints. The three institutional sources mentioned were the staff of the Public Employment Relations Board (PERB), the New York State Education Department, and the New York State School Boards Association. Interaction frequency and style varied considerably among the three.

Consultation with PERB was the most common and frequent. The PERB professional staff was described as a source of reliable but limited information.

Consultation about procedural matters was apparently the most direct and useful, especially concerning the appointment of neutrals (mediators, factfinders, and arbitrators) and handling of improper labor practice charges. PERB staff were considered a source of general interpretation of past or possible future Board decisions, but not for definitive predictions. The PERB staff was described as accessible, knowledgeable, and generally regarded with high professional esteem. We did not explore the matter of constraints in speaking with PERB staff in detail. However, the main constraint seemed to be the staff's unwillingness to go beyond the substance of written Board decisions or engage in predictions of Board behavior (certainly common constraints and norms for professional staff of a governmental agency). Confidentiality and neutrality were assumed as part of these interactions. There was also specialization along the lines of staff responsibilities within the agency. That is, Office of Conciliation staff were consulted for matters of impasse policy, etc.

Two of the management advocates interviewed said they would consult the NYSSBA staff for legal interpretations at times (no more than monthly), for what was described as "the School Board's line" on an issue. These inquiries seemed to be limited and narrow in scope. Since these subjects considered themselves to be independent experts on policy interpretation, their limited use of another, organizationally distant interpreter is consistent with their other activities.

The New York State Education Department has a staff labor relations specialist. Two of the respondents reported frequent consultation with this source for policy interpretation, more particularly involving the Education Code or areas where the Code overlaps or comes close to the substance of labor relations (such as in procedures to dismiss teachers). The information sought was not described in detail, but appeared to be closely tied to established legal precedent and principles.

Interactions with neutrals were also in the form of information seeking. Two differing styles were evident. In the first, a neutral who was also considered a friend or trusted colleague would be consulted for advice about an issue in which the neutral was not involved but would be knowledgable. For example, an arbitrator might be consulted when one of the interpreters was preparing for a hearing (before some other arbitrator). These inquiries were characterized as hypothetical discussions in which the identities of the parties were withheld. This was possible since each of the advocates worked in more than one district. This kind of interaction was described more as an exchange among professional friends rather than growing out of any institutional or organizational roles. Confidentiality was an assumed part of these discussions, but considerations of ethics dictated avoiding identification of particulars. The neutrals were treated as experts in a particular area of dispute resolution (e.g., mediation, arbitration of grievances), giving an opinion. Apparently several local neutrals are able to maintain a solid reputation for impartiality in this sort of exchange, since they were mentioned in favorable terms by advocates from both union and management.

The subjects also reported occasionally using a neutral party as an information source in cases in which both the interpreter and neutral were involved. In these situations a clear distinction was drawn between arbitration and mediation or factfinding. Avoidance of so-called ex parte communication with an arbitrator sitting on a case-in-progress was a generally expressed norm. The subjects said they would not approach an arbitrator for special information in such a situation. But they would use informal contacts with mediators or factfinders to clarify issues, expedite procedures, or seek advice. In these cases, confidentiality from outside parties was important. But clearly, two sets of norms apply.

In interactions with neutrals, the interpreters also had to take into account their relationship with the client, and especially the clients preferences or

sophistication vis. working with neutral parties. The subjects reported that some clients maintain a preference or belief that nothing other than formal communication takes place with neutral parties. Rather than disturb clients or completely avoid informal interaction, the interpreters prefer to maintain what appears to be valuable contact with neutrals without the direct knowledge of their clients. Most of the subjects mentioned meetings of a local professional group which provides an opportunity to maintain this communication.

The strategic nature of policy interpretation became most evident in the description of interactions with adversaries. The interpreter/advocates reported that they were able to have constructive discussions about the meaning and use of policy with certain adversaries. In particular, they each seemed to know a small number of advocates for the opposite side with whom a trust relationship has developed over time. The trust relationship allows for a candid discussion of a situation and alternatives without the other parties exploiting the knowledge so gained. This assists the interpreter assess the probabilities of winning also, since it provides knowledge of the opponents possible responses. A certain amount of this information appears to be quite useful for both sides, since they reported these relationships in positive terms.

Policy Initiation Decisionmaking

Information gathered through document review and consultation becomes part of the base for deciding how to treat the policy-related issue. The assessment of probabilities for winning and losing in the external policy system does not appear to be decisive, however, for those who must choose or recommend a course of action. The actual basis for such a decision seems to be much more closely related to the particulars of the local situation rather than the universalistic content of the policy. This is evident in the general principles

articulated by the interpreters and advocates as well as by the decision-making process they described.

The frame of reference from which the parties approach this decision illustrates best the importance of local circumstances. A particularly clear description of the idea is expressed by one respondent in regard to the question of whether something is a mandatory or nonmandatory subject of bargaining:

> "We have a list of, 'This is mandatory, this is nonmandatory.' Big deal. The ultimate thing is for the parties to have a contract that has meaning for them, not whether or not if it fits into some magic checklist...."

A close examination of these words reveals two key points. The use of the term "ultimate" clearly shows an ordering of judgement criteria. That is, fit with the so-called checklist is important, but not as important as the criterion of meaningfulness to the parties, i.e., the local situation. Second, calling the list "magic" implies mild derision and also some divergence from reality, in this case the reality of the local situation. This same distinction is a recurring theme in the interviews with the advocates. One uses the term "technical" or "strictly technical" to distinguish a universalistic interpretation based on legal analysis from one which is presumably broader and more meaningful for the local situation. Another uses "legal" as opposed to "practical" to describe the same distinction, where practical refers to judgement based on understanding of the field situation.

The apparent primacy of local considerations over the technical or legalistic interpretation of policy is reflected also in the description of the tactical aspects of applying policy principles. The distinction between mandatory and nonmandatory subjects of bargaining is central to the place of bargaining in education. We will therefore focus on that policy question for

illustration, although the respondents consistently reported that the same principles of interpretation and decision applied generally across policy areas. With regard to mandatory/nonmandatory the respondents were in clear agreement. The decision as to whether to make or press such a claim as part of the bargaining process was conditioned primarily on local, contextual considerations. When asked how they decided on the use of mandatory or non-mandatory, the respondents answered: "It depends," (or some equivalent phrase). The things on which it depends were almost exclusively local consideration.

The threshold concern is whether use or mention policy at all. The option exists to ignore policy-related considerations altogether, since there is no monitoring from the state level. If no one raises the question locally it will not be raised at all. Further, the existence of a state-level decision or precedent does not guarantee it will be locally applied. Either side may choose to ignore the mandatory status of its proposals in preparation for bargaining. The parties will often ignore the mandatory/nonmandatory distinction by mutual consent at the bargaining table. Even when a policy-based demand has been raised and pursued for a time it may be dropped. The subjects reported that they will commonly concede on a policy-related demand with the right incentive. "If the scales are balanced enough," one subject said, "Of course your going to do it."

Choosing how long or how adamantly to sustain a policy-based claim is itself a part of the design of bargaining tactics. This choice rests, as do the others, not on the substance of policy alone, but on the full range of tactical considerations involved in bargaining.

More importantly, perhaps there is an onus associated with fully pursuing the policy claim. Such devices are low on the preference ordering of behaviors or rationales for a bargaining position. Exclusive or persistent use of such

tactics is seen part of an unhealthy or unsophisticated bargaining relationship. That is, use of tactics dependent on an external policy decision are seen as evidence that something is not working locally, such an appeal outside is seen as a consequence of a deteriorated local situation, not a cause of it. One does not resort to state level policy unless local capacity to compromise is exhausted or one of the parties is seeking something not obtainable by what are seen as legitimate bargaining tactics. Invoking policy is seen more as an effect than a cause of local actions.

The general disdain for external policy criteria extended to both union and management advocates. Nor was it limited to matters of scope of bargaining. The pattern extended to the full range of policy substance.

DISCUSSION

Meaning of Policy

A distinctive and complex meaning for labor policy emerges from these findings. At root, it seems to be a dual meaning: policy in law and policy in tactics. One is external to the context of local bargaining, the other intrinsic to it. These views seem to be maintained simultaneously in the cognitive processes of the persons who must work with them. They remain intensely interested in and knowledgeable about the substance of the external policies. They cite cases continuously and with ease. Yet the substance of these cases does not control the actions taken in relation to the policy issue.

Instead a complex calculus seems to apply. The main consideration, as we noted above, is not the prospect of winning if an issue must be taken to decision in the external policy decision system. That is only one element of several which determine the desireability of such an action. The others are possibility for tradeoffs, the implications for and in the local bargaining relationship, and the implications of such an action for other districts. The policy interpreter/advocate weighs these considerations and attempts to influence the client in making the ultimate choice.

If the situation were simply one of a local decisionmaker weighing a complex vector of variables before making a decision, the situation would be similar to many choice situations. It is the apparent weighing of the variables which makes the situation more interesting. The weighing implied in these results and in the data from the other two parts of the larger project are strongly biased in one direction. That is, there seems to be an attempt to maintain the integrity of the local bargaining process when and if at all possible .

Local Bargaining in a "Bubble"

It is as if the parties were attempting to maintain a bubble around the local bargaining process. Maintaining that bubble prevents external influences from producing an agreement or situation not in the best interests of the local parties. Maintaining the bubble also keeps the situation largely in the hands of the interpreter/advocate, who's professional reputation rests primarily on the ability to reach an agreement. Going "outside" involves persons and processes which are much less subject to higher risks. Control passes to the influence of the interpreter/advocate.

Maintaining this "bubble" could be viewed as simply pursuit of self-interest on the part of the interpreter/advocate. Inside they are in control and can enhance their reputation and value to the client. Outside they are only one actor in a larger process of adjudication and can lose both the stakes in the issue and reputation as well. But the commitment to maintaining this "bubble" around the local bargaining is shared by neutrals and state agency employees as well. The commitment is part of a pervasive ideology in support of local discretion, an ideology shared by most of the participants in policy interpretation or state-level implementation. The only exception mentioned to this was reference to a New York School Boards Association "line" on particular issues. By that, the subject meant that the association took positions on policy issues dictated by state rather than local-level considerations. We did not verify that this did in fact occur; the salient point was that such action, had it occurred, was viewed negatively.

We did not pursue the underlying bases for these preferences in sufficient detail to offer a complete rationale. However, other than the obvious self-interest of the interpreter/advocates there seem to be at least two additional grounds for the committment to the primacy of local considerations. The two

are closely related. One is the professional tradition of labor relations growing out of the private sector history of the field. That tradition stresses the wisdom of the parties in solving their own problems. Policy exists to facilitate the peaceful conduct of that process, not the imposition of an external, superior point of view. That tradition extends to the operation of public sector policy in New York. It is expressed by the members of PERB, and is presented as the dominant view of neutrals and staff of the agency. There is, of course, a state position on many issues and is reflected in PERB actions and decisions. That is necessary, but not preferred. The maintenance of a policy because the court or legislature had mandated it is distinguished from maintaining a general superiority of the state level as the proper one at which control should be exercised. PERB clearly does the former; it does not appear to do the latter.

One of the main building blocks of this tradition is the distrust of general solutions to particular problems. Labor relations problems are not seen as generally amenable to solution by rational calculation or deterministic methods. They are instead solvable only temporarily by compromise and approximation based on particulars, not universal standards. Such a point of view is not fully compatible with state policy as an answer to the problems of public sector bargaining. Through the legislature and courts, the polity has dictated a series of principles and policy standards. Local bargaining must work within them as much as possible. The creation of a sort of bubble around the local process can be thought of as a way to protect the necessarily particularistic problem solving from the universal standards and rationality of the state-level policy. When solutions are not possible in that local context, or when one party wishes to exploit the policy standard action moves outside the bubble.

Implications for Policy

Within the framework of its assumptions, this approach seems to work for labor relations in New York. Recent years have been relatively peaceful (only 8 work stoppages in public employment during 1981-82). There is little political pressure to add controls to the Taylor Law. The main issue seems to be reducing or removing strike penalties. So the main implication for this policy arena seems to be to maintain the balance of state policy with local concerns at or near its present state. With constantly changing economic and social conditions this is a substantial task in its own right.

The implications for educational policy are more profound. Those policies arise in a different tradition: that of universalistic standards, rational problem solving, and bureaucratic control. These traditions seem to be especially strong in New York. The evidence that they are functional and effective for public education is not nearly as strong or pursuasive. The high levels of participation in private education in the state (as high as 50 percent in some areas), the emergence of new private schools, the political pressure for tuition tax credits, all suggest something less than full satisfaction with public education. The alternative systems are highly decentralized and characterized by a particularistic ideology and practices. Further, the evidence on achievement suggests that returns to scale are questionable at best. So large systems are difficult to justify on efficiency or effectiveness grounds. Movement toward less centralized systems with less dependence on state-level standards may provide a path toward improvement.

Instead of the current assumption that education is a state function delegated to local districts, perhaps we should consider turning the assumption around. Matters of policy seen as sufficiently important to assert state control would be fewer and perhaps more effectively pursued. The remaining matters of educational policy would be allowed greater local discretion. This is, of course, not

a labor policy issue at all, but tied to our basic assumptions about educational governance. This paper simply extends a concept from labor relations in what is hoped is a fruitful direction.

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